Copy for tile Elected Office (EO/US) PCT/EP39/05416 PATENT COOPERATION TREATY 09/744625

	From t	he INTERNATIONAL B	UREAU
PCT	To:		
NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year) 25 January 2001 (25.01.01)	P.O. D-81	SIUS & PARTNER Box 86 07 67 634 Munich EMAGNE	· ·
Applicant's or agent's file reference C 2130 PCT		IMPORTANT NOT	IFICATION
International application No. PCT/EP99/05416	1	nal filing date (day/month/y uly 1999 (28.07.99)	ear)
The following indications appeared on record concerning: X the applicant the inventor	the ager	nt the comm	on representative
Name and Address MICROMET GESELLSCHAFT FÜR BIOMEDIZINISCHE FORSCHUNG MBH Am Klopferspitz 19 D-82152 Martinsried Germany	· ·	State of Nationality DE Telephone No.	State of Residence DE
Germany		Facsimile No. Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the	o fallowing	shanga has been recorded	concerning:
the person X the name the add	Ī	the nationality	the residence
Name and Address MICROMET AG		State of Nationality DE	State of Residence DE
Am Klopferspitz 19 D-82152 Martinsried Germany		Telephone No.	
Somethy		Facsimile No.	
		Teleprinter No.	
3. Further observations, if necessary:			· · · · · · · · · · · · · · · · · · ·
4. A copy of this notification has been sent to:			
X the receiving Office	ſ	the designated Offices	concerned
the International Searching Authority		X the elected Offices cor	ncerned
the International Preliminary Examining Authority]	other:	
	Authorized	officer	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		S. De Michie	el
Facsimile No.: (41-22) 740.14.35	Telephone	No.: (41-22) 338.83.38	





From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

Assistant Commissioner for Patents United States Patent and Trademark Office

Office Box PCT Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year)

08 March 2000 (08.03.00)

in its capacity as elected Office

International application No. PCT/EP99/05416

International filing date (day/month/year)

nternational filing date (day/month/year)
28 July 1999 (28.07.99)

Applicant's or agent's file reference C 2130 PCT

Priority date (day/month/year) 28 July 1998 (28.07.98)

Applicant

KUFER, Peter et al

1.	The designated Office is hereby notified of its election made: X in the demand filed with the International Preliminary Examining Authority on:
	28 January 2000 (28.01.00)
	in a notice effecting later election filed with the International Bureau on:
2.	The election X was
	made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

Form PCT/IB/331 (July 1992)

Facsimile No.: (41-22) 740.14.35

The International Bureau of WIPO

34, chemin des Colombettes 1211 Geneva 20, Switzerland Authorized officer

F. Baechler

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

		nt's file reference	FOR FURTHER ACTIO		ation of Transmittal of International y Examination Report (Form PCT/IPEA/416)
C 2130 P					Priority date (day/month/year)
nternational			International filing date (day/miles) 28/07/1999	onavyear)	28/07/1998
PCT/EP99					20/01/1333
nternational C07K19/0		nt Classification (IPC) of na	ational classification and IPC		
Applicant					
MICROM	ET G	ESELLSCHAFT FÜF	R BIOMEDIZINISCHE FOR	SCHUN	
1. This in and is	terna	tional preliminary exam mitted to the applicant	nination report has been prepaction according to Article 36.	ared by this Inte	ernational Preliminary Examining Authority
2. This R	EPO	RT consists of a total o	f 5 sheets, including this cover	er sheet.	
be (s	en a ee R	mended and are the ba	asis for this report and/or shee 607 of the Administrative Instr	ts containing re	on, claims and/or drawings which have ectifications made before this Auth rity he PCT).
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3. This re	eport	contains indications rel	lating to the following items:		
			· ·		
1	l⊠i □	Basis of the report			
11 111		Priority Non-astablishment of	opinion with regard to novelty	inventive ster	and industrial applicability
IV	_	Lack of unity of invent	·	,	,,
v	×	Reasoned statement		d to novelty, inv	ventive step or industrial applicability;
VI		Certain documents ci			
VII		Certain defects in the	international application		
VIII	Ø	Certain observations	on the international applicatio	n	
Date of sub	missi	on of the demand	Da	te of completion of	of this report
28/01/20	00			。 图7.11), 00
		g address of the internation ining authority:	nal Au	thorized officer	ESTANDES MICH
9))	D-8	opean Patent Office 0298 Munich +49 89 2399 - 0 Tx: 5236		CHEFFZYK, I	
		· +49 89 2399 - 4465	·	enhone No. ±49	80 2399 8602

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/05416

I. Basis of the r port

Drawings, sheets:

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):
Description, pages:

1-84 as originally filed

Claims, No.:
1-41 as received on 20/07/2000 with letter of 19/07/2000

1/75-75/75 as originally filed

2. The amendments have resulted in the cancellation of:

☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No. PCT/EP99/05416

V. R asoned statem nt under Article 35(2) with r gard to novelty, inventiv step r industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes:

Claims 3,4,8-18,20-25,27,30-32

No:

Claims 1,2,5-7,19,26,28,29,33-41

Inventive step (IS)

Yes:

Claims

No:

Claims 1-41

Industrial applicability (IA)

Yes:

Claims 1-41

No: Claims

2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

INTERNATIONAL PRELIMINARY Inte

International application No. PCT/EP99/05416

SECTION V-----

Taking into account that according to claim 6 and also according to the specification of present application (see for instance page 1 and the examples) the domains having receptor or ligand function can be in the format of a scFv-fragment the subject-matter of claims 1,2, 5-7, 19, 26, 28, 29, 33-41 is considered to be anticipated by K. Müller et al., FEBS Letters, vol. 422, no. 2, 30.01.98, pp. 259-264 (1), see e.g. figure 1 and section Materials and Methods. It is correct that the heterominibodies taught in (1) are produced in E.coli. However, nevertheless, at present it cannot be ruled out that the minibodies described in (1) also can be produced in a mammalian host cell as it is required in claim 1. Therefore, (1) is deemed novelty destroying for the above-mentioned claims. Correspondingly, the subject-matter of these claims does not meet the requirements of Art. 33(2)(3) PCT.

In addition, taking into account that the principle underlying the present application, i.e. the provision of a multifunctional compound comprising at least two polypeptides with different receptor or ligand functions which are linked via an immunoglobulin heavy chain CH1 domain and a constant CL domain is already taught in (1) the subject-matters of the remaining claims 3, 4, 8-18, 20-25, 27, 30-32 merely can be considered as obvious alternatives to a person skilled in the art which arise out of the teaching of (1) in combination with the general knowledge of a person skilled in the art. Correspondingly, these claims lack inventive activity and thus do not meet the requirements of Art. 33(3) PCT.

SECTION VIII-----

1). There seems to be a discrepancy in present application since on the one hand at least two of the polypeptides having different receptor or ligand functions lack an intrinsic affinity for one another so that according to the description of present application the presence of VH and VL chains and of scFv fragments in these polypeptides should be excluded by said proviso but on the other hand according to claims 6 and 8 and the examples such domains clearly can be present in said

polypeptides. Relating to this it is also pointed out that according to present claim 1 the minimum number of peptides having different receptor or ligand functions is two!

2). The scope of claim 33 is unclear since due to the alternative "and/or" given in said claim it is unclear whether the claimed composition contains either the multifunctional compound or the polynucleotide or the vector and optionally a proteinaceous compound or whether the claimed composition contains the multifunctional compound, the polynucleotide and the vector optionally in combination with a proteinaceous compound?!

PCT/EP99/05416 Micromet GmbH Our Ref.: C 2130 PCT

CLAIMS

- A multifunctional compound, produceable in a mammalian host cell as a secretable and fully functional heterodimer of two polypeptide chains, wherein one of said polypeptide chains comprises, as the only constant region domain of an immunoglobulin heavy chain the CH1-domain and the other polypeptide chain comprises the constant CL-domain of an immunoglobulin light chain, wherein said polypeptide chains further comprise, fused to said constant region domains at least two (poly)peptides having different receptor or ligand functions, wherein further at least two of said different (poly)peptides lack an intrinsic affinity for one another and wherein said polypeptide chains are linked via said constant domains.
- The multifunctional compound of claim 1, wherein the functional domains, having receptor or ligand function, are C-and/or N-terminally linked to one or both of said constant immunoglobulin domains.
- The multifunctional compound of claim 1 or 2, comprising at least three functional domains, having receptor or ligand function.
- 4. The multifunctional compound of anyone of claims 1 to 3, comprising four functional domains, having receptor or ligand function.
- The multifunctional compound of anyone of claims 1 to 4, wherein at least two domains, having receptor or ligand function, are N-terminally linked to said constant $C_H 1$ or C_L domains.
- 6. The multifunctional compound of any one of claims I to 5, wherein at least one of said domains, having receptor or ligand function, is in the format of a scFv-fragment or a functional part thereof.

- 7: The multifunctional compound of any one of claims 1 to 6, wherein at least one of said domains, having receptor- or ligand function, is a T-cell co-stimulatory ligand, an antigen binding region specific for a tumor associated antigen, or a proteinaceous compound providing the primary activation signal for T-cells.
- 8. The multifunctional compound of any one of claims 6 or 7, wherein said scFv fragment or said functional part thereof comprise the V_H and the V_L regions of the murine anti-human 17-1A antibody M79, the V_H and the V_L regions of the anti-Lewis Y antibody, as shown in Fig. 6, the V_H and the V_L regions of the anti-CD3 antibody TR66, and/or the V_H and the V_L regions of the human anti-human EpCAM antibody as shown in Figure 55.
- The multifunctional compound of claim 7, wherein the T-cell co-stimulatory, ligand is a cell surface molecule or a fragment thereof expressed on antigenpresenting cells (APC).
- The multifunctional compound of claim 9, wherein the antigen-presenting cell is a dendritic cell.
- 11. The multifunctional compound of claim 9, wherein the cell surface molecule is selected from the group consisting of B7-1, B7-2, ICAM-1, ICAM-2, ICAM-3, LFA-3 and CD137-ligand.
- 12. The multifunctional compound of any one of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is an immuno-modulating effector molecule or a fragment thereof.
- 13. The multifunctional compound of claim 12, wherein said immuno-modulating effector molecule or said fragment thereof is selected from the group consisting of cytokines, chemokines, macrophage migration factor (MIF), T-cell receptors and soluble MHC molecules.

- 14. The multifunctional compound of claim 13, wherein said cytokine is selected from the group consisting of interleukins, interferons, GM-CSF, G-CSF, M-CSF, TNFs and VEGF.
- 15. The multifunctional compound of claim 13, wherein said chemokine is selected from the group consisting of IL-8, Eotaxin, GROα, GROβ, GROγ, IP-10, MCP-1, MCP-2, MCP-3, MCP-4, MIG, MIP-1α, MIP-1β, NAP-2, RANTES, I309, Lymphotactin and SDS-1.
- The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is FAS ligand (CD 95 L) or a fragment thereof.
- 17. The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is a growth factor or a fragment thereof.
- The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains having receptor or ligand function is an angiogenesis inhibitor or a fragment thereof.
- 20. The multifunctional compound of any one of claims 1 to 18, wherein said constant domain of an immunoglobulin light chain is of the κ type.
- 20. The multifunctional compound of any one of claims 1 to 19, wherein said constant immunoglobulin domains and said functional receptor-ligand domains are connected by a polypeptide linker.
- 21. The multifunctional compound of claim 20, wherein said polypeptide linker comprises an lg-hinge region or a plurality of glycine, alanine and/or serine.
- 22. The multifunctional compound of claim 21, wherein said lg-hinge region is an lgG hinge region.

- 23. The multifunctional compound of claim 22, wherein the IgG hinge region is the upper hinge region of human IgG₃.
- The multifunctional compound of any one of claims 1 to 23, wherein said functional domains, having receptor or ligand function, comprise GM-CSF, IL-2 and/or (an) scFv fragment(s) comprising the V_H and the V_L regions of the human-anti-human EpCAM antibody, as shown in Figure 55.
- 25. The multifunctional compound of claim 24, wherein said GM-CSF and said IL-2 are C-terminally linked to said constant C_H1 or C_L domains and wherein said scFv fragment(s) comprising the V_H and the V_L regions of the human anti-human EpCAM antibody is (are) N-terminally linked to said constant C_H1 or C_L domains.
- The multifunctional compound of any one of claims 1 to 25, wherein said C_H1 domain is limited to a histidine tag, GST, Staphylococcus protein A, Lex A, a FLAG-tag or a MYC-tag.
- 27. The multifunctional compound of any one of claims 1 to 26, wherein said functional domains, having receptor or ligand function is or is derived form a non-immunoglobulin domain.
- 28. A polynucleotide encoding one and/or two polypeptide chains of the multifunctional compound as defined in any one of claims 1 to 27.
- 29. A vector comprising at least one polynucleotide of claim 28.
- 30. A mammalian host cell comprising at least one vector of claim 29.
- 31. The mammalian host cell of claim 30 which is a CHO cell or a myeloma cell.
- 32. A method of producing the multifunctional compound of any one of claims 1 to 27 comprising culturing the host cell of claim 30 or 31 under conditions that

allow the synthesis and secretion of said multifunctional compound, and recovering said multifunctional compound from the culture.

- 33. A composition comprising the multifunctional compound of any one of claims 1 to 27, the polynucleotide of claim 28, and/or the vector of claim 29 and, optionally, a proteinaceous compound capable of providing the primary activation signal for T-cells.
- 34. The composition of claim 33 which is a pharmaceutical composition further comprising, optionally, a pharmaceutically acceptable carrier and/or the diluent and/or excipient.
- 35. The composition of claim 33 which is a diagnostic composition further comprising, optionally, suitable means for detection.
- 36. Use of the multifunctional compound of any one of claims 1 to 27, the polynucleotide of claim 28 and/or the vector of claim 29 for the preparation of a pharmaceutical composition for preventing and/or treating malignant cell growth.
- 37. The use of claim 36, wherein the malignant cell growth is related to malignancies of hemapoietic cells or to solid tumors.
- 38. The use of claim 37, wherein said malignancies of hernatopoietic cells are lymphomas or leukemias.
- 39. The use of claim 37, wherein said solid tumors are carcinomas, melanomas or sarcomas.
- 40. A kit comprising the multifunctional compound of any one of claims 1 to 27 and, optionally, a proteinaceous compound capable of providing the primary activation signal for T-cells.

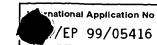
41. The composition of claim 33, the pharmaceutical composition of claim 34, the diagnostic composition of claim 35 or the kit of claim 40, wherein the proteinaceous compound capable of providing the primary activating signal for T-cells is a bispecific antibody interacting with the T-cell antigen CD3.





(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER see Notification	of Transmittal of International Search Report 220) as well as, where applicable, item 5 below.
C 2130 PCT	ACTION (Form PC1/ISA/2	
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/EP 99/05416	28/07/1999	28/07/1998
Applicant		
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This International Search Report has be according to Article 18. A copy is being t	en prepared by this International Searching Au ransmitted to the International Bureau.	thority and is transmitted to the applicant
This International Search Report consist It is also accompanied b	s of a total of \$ sheets. y a copy of each prior art document cited in th	is report.
language in which it was filed, u	e international search was carried out on the b nless otherwise indicated under this item.	*
Authority (Rule 23.1(b))	was carried out on the basis of a translation σ	
b. With regard to any nucleotide a was carried out on the basis of	and/or amino acid sequence disclosed in the	international application, the international search
contained in the interna	tional application in written form.	
filed together with the in	iternational application in computer readable fo	orm.
T furnished subsequently	to this Authority in written form.	
furnished subsequently	to this Authority in computer readble form.	
the statement that the sinternational application	subsequently furnished written sequence listing n as filed has been furnished.	
the statement that the i furnished	nformation recorded in computer readable forr	n is identical to the written sequence listing has been
2. Certain claims were f	ound unsearchable (See Box I).	•
3. Unity of invention is	acking (see Box II).	
4. With regard to the title,		
	submitted by the applicant.	
the text has been esta	blished by this Authority to read as follows:	
5. With regard to the abstract,		
1 🖵	s submitted by the applicant. blished, according to Rule 38.2(b), by this Aut the date of mailing of this international search	hority as it appears in Box III. The applicant may, a report, submit comments to this Authority.
within one month from	published with the abstract is Figure No.	52
6. The figure of the drawings to be as suggested by the a		None of the figures.
	t failed to suggest a figure.	<u>—</u>
	etter characterizes the invention.	
because this figure be	augi charactenzes die invention.	



A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C07K19/00 C12N15/62
G01N33/53 A61K31/70

C07K14/535,C07K14/55

C12N15/85 C12N5/10 A61K38/17 //C07K16/28,C07K16/30,C07K14/705,

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 - C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

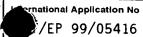
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	K. MÜLLER ET AL.: "The first constant domain (CH1 and CL) of an antibody used as heterodimerization domain for bispecific miniantibodies." FEBS LETTERS, vol. 422, no. 2, 30 January 1998 (1998-01-30), pages 259-264, XP002135067 Amsterdam, The Netherlands abstract figure 1	1,2,5-7, 19,26, 28,29, 33-41
_x /	WO 97 01580 A (THE SCRIPPS RESEARCH INSTITUTE) 16 January 1997 (1997-01-16) claims/	1-8, 28-35

X Further documents are listed in the continuation of box C.	χ Patent family members are listed in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed 	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search 6 April 2000	Date of mailing of the international search report $25/04/2000$
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Nooij, F

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rnational	Application No
/EP	99/05416

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT			
C.(Continu		Relevant to claim No.	
	Chairon of document, with indication, where appropriate, or the relevant passages	nelevant to claim No.	
А	M. RHEINNECKER ET AL.: "Multivalent antibody fragments with high functional affinity for a tumor-associated carbohydrate antigen." THE JOURNAL OF IMMUNOLOGY, vol. 157, no. 7, 1 October 1996 (1996-10-01), pages 2989-2997, XP002135068 Baltimore, MD, USA abstract figures 2B,8	1-41	
A ,	F. DUCANCEL ET AL.: "Recombinant colorimetric antibodies: construction and characterization of a bifunctional F(ab)2/alkaline phosphatase conjugate produced in Escherichia coli." BIO/TECHNOLOGY, vol. 11, no. 5, May 1993 (1993-05), pages 601-605, XP002135069 USA abstract figure 1	1-41	
4 V	I. KURUCZ ET AL.: "Retargeting of CTL by an efficiently refolded bispecific single-chain Fv dimer produced in bacteria." THE JOURNAL OF IMMUNOLOGY, vol. 154, no. 9, 1 May 1995 (1995-05-01), pages 4576-4582, XP002135070 Baltimore, MD, USA abstract figure 1	1-41	
	A. TRAUNECKER ET AL.: "Bispecific single chain molecules (Janusins) target cytotoxic lymphocytes on HIV infected cells." THE EMBO JOURNAL, vol. 10, no. 12, December 1991 (1991-12), pages 3655-3659, XP000232579 Oxford, GB abstract figure 1	1-41	



P. KUFER ET AL.: "Construction and biological activity of a recombinant bispecific single-chain antibody designed for therapy of minimal residual colorectal cancer." CANCER IMMUNOLOGY, IMMUNOTHERAPY,	Relevant to claim No.
P. KUFER ET AL.: "Construction and biological activity of a recombinant bispecific single-chain antibody designed for therapy of minimal residual colorectal cancer."	
biological activity of a recombinant bispecific single-chain antibody designed for therapy of minimal residual colorectal cancer."	1-41
vol. 45, no. 3-4, November 1997 (1997-11), pages 193-197, XP002076121 Heidelberg, Germany abstract figure 1	
B. GERSTMAYER ET AL.: "Costimulation of T cell proliferation by a chimeric B7-2 antibody fusion protein specifically targeted to cells expressing the erbB2 proto-oncogene." THE JOURNAL OF IMMUNOLOGY, vol. 158, no. 10, 15 May 1997 (1997-05-15), pages 4584-4590, XP002116142 Baltimore, MD, USA abstract figure 1A	1-41
EP 0 404 097 A (BEHRINGWERKE AG) 27 December 1990 (1990-12-27) the whole document	1-41
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ormation on patent family members

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	atent document d in search report		Publication date		Patent family member(s)	Publication date
WO	9701580	Α	16-01-1997	AU	6340996 A	30-01-1997
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